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WASHINGTON, D.C. 20554

25 FEB 1993

Docket File
Rm: 222
POLICY & PLANNING
BRANCH ROOM 5202

IN REPLY REFER TO:
7330-7/1700A3

Honorable Robert L. Livingston
U.S. House of Representatives
2368 Rayburn House Office Building
Washington, D.C. 20515

RECEIVED

MAR - 5 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Congressman Livingston:

This is in reply to your letter of February 9, 1993, in which you inquired on behalf of your constituent, David W. Miller, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Mr. Miller is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

Enclosed 2 Copies
9

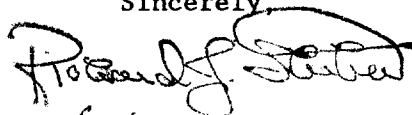
Honorable Robert L. Livingston

2.

We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due May 28, 1993, and Reply Comments are due July 14, 1993. We expect final rules to be issued in 1994. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ralph A. Haller", with a stylized flourish at the end.

for Ralph A. Haller
Chief, Private Radio Bureau

Enclosures:

Notice

Order

Discussion paper

cc:

CNTL NO - 9300579

Chief, PRBureau

Chief, LM&MDivison

Docket Files, Room 222

P&P Branch File (Pink)

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AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM 02/12/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300579	02/12/93	02/09/93	02/25/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Robert L Livingston	BC

CONSTITUENT'S NAME	SUBJECT
David W Miller	inq. comments on PR Docket 92-235

REF TO	REF TO	REF TO	REF TO
PRB/amm			
3-16-93			

DATE	DATE	DATE	DATE
02/12/93			

REMARKS:

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ROBERT L. LIVINGSTON
1ST DISTRICT, LOUISIANA

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Congress of the United States
House of Representatives

Washington, DC 20515-1801

February 9, 1993

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PKB
92-235
579

Mr. Terry Haines
Chief of Staff
Office of Congressional Affairs
FCC
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Haines:

Enclosed please find communication I have recently received from one of my constituents for your consideration. I would greatly appreciate your complying with their request, if possible.

I would appreciate your advising me of your action in this matter and returning the letters to me with your reply to my Washington Office.

Sincerely,

Robert L. Livingston
ROBERT L. LIVINGSTON
Member of Congress

RLL/tf

Enclosure

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FEB 15 2 00 PM '93



NORTHSHORE FAMILY VISION CLINIC

DAVID W. MILLER, O.D. • 3408 PONTCHARTRAIN DR.
SLIDELL, LA 70458 (504) 641-1704

FB-2 1993

January 28, 1993

The Honorable Bob Livingston
U. S. House of Representatives
Washington, D.C. 20510

RE: PR Docket 92-235

Dear Mr. Livingston,

I am a doctor of optometry in private practice in Slidell. I have just recently become involved in the hobby of radio controlled airplanes, having wanted to do so for many years.

The Federal Communications Commission (FCC) has proposed rule changes which will conflict with the current radio frequencies used by radio control model airplanes. The proceeding is PR Docket 92-235. If these changes are adopted, many of the frequencies we are now using (and have been using for years) will become unusable and can increase the risk of accidents involving our models.

Our radio control frequencies are in the 72-76 MHz band, a band that is primarily used for land mobile dispatch operations. Our frequencies have enough "separation" within this band that we are able to share the band without interference. The proposed rule changes would allow the frequencies in this band to be split into smaller, narrower bandwidths placing all of these frequencies close enough to cause interference with model operations. The number of frequencies that will then be available for our use will be cut more than half. Hobbyists having radio transmitters and receivers using these frequencies will have lost a substantial money investment in this equipment.

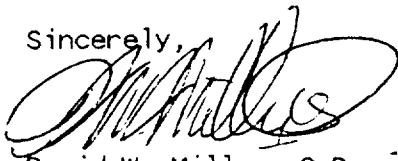
More importantly, the nearness of these frequencies under the proposed changes will increase the potential for accidents involving property damage, injury or even death. Our models may have wing spans of up to 10 feet and can weigh up to 40 pounds. Our safety precautions involve careful coordination of frequency use which are designed to promote a safe hobby for all---operators and spectators alike. Interference from a near-by mobile radio operator could cause a sudden, unexpected loss of control of a radio controlled model airplane in flight. Imagine such a large model careening out of control at a speed of 40 mph and you can certainly see the danger this would present.

Interference in mobile land radio users at most will cause minor difficulties in communications transmission. Interference in radio control models can cause the loss of a very expensive model that took weeks or months

to build, result in property damage and serious personal injury. The FCC is probably looking at us as "the little guy" and not as important as business users of radios. However, there are thousands of people just like me that have a considerable investment in this hobby. There are also many hobby shops owned by small business people that depend on sales of radio control equipment, as well as the equipment and airplane kit manufacturers themselves.

Please help us to continue the safe enjoyment of this wonderful hobby by NOT allowing the FCC to carry out its proposed changes in the 72-76 MHz band. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Miller", written over the word "Sincerely,".

David W. Miller, O.D.

DWM/ja

cc: Federal Communications Commission
Senator John Breaux
Senator J. Bennett Johnston
Representative William Jefferson
Academy of Model Aeronautics